

Appl. No. : 10/079,077
Filed : February 19, 2002

REMARKS

Claims 5, 7, 16, 19 and 22 have been amended to correct typographical errors. The amendments raise neither the issue of new issue nor the addition of new matter to the application. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Priority

The Examiner asserts that applicant has not filed a certified copy of the 2001-42868, 2001-301225, and 2001-301292 applications as required by 35 U.S.C. 119(b).

However, certified copies of Japanese Patent Application Nos. 2001-42868, 2001-301225, and 2001-301292 were received by the Office on May 3, 2002 as indicated in the attached copy of the stamped Return Postcard. Thus, Applicant believes that no further response is required.

Claim Objection

Claims 5, 16 and 19 are objected to because of the informalities set forth in the Office action. Claims 5, 16 and 19 have been amended to correct the informalities, thereby obviating this objection.

Rejection of Claim 7 Under 35 U.S.C. § 112

Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph, with regard to the indefinite term set forth in the Office action. Claim 7 has been amended to correct the term, thereby obviating this rejection.

Rejection Under 35 U.S.C. § 102 and § 103

Claims 1, 3, 7-9 and 15-17 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent 2001-1349470. Claims 5, 6, 10-14 and 18-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent 2001-1349470 in view of Smith.

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These rejections are believed to be overcome by the enclosed verified English translation of each priory document, Japanese patent application Nos. 2001-042868, 2001-301225 and 2001-301292, because (1) the publication date of Japanese Patent 2001-1349470 is December 21, 2001 which is after the priority dates of Japanese patent application Nos. 2001-042868, 2001-301225 and 2001-301292 (February 20, 2001 and September 28, 2001); and (2) the presently claimed invention is disclosed in the priority documents. That is, Japanese Patent 2001-1349470 does not serve as prior art under 35 U.S.C. § 102(a). Thus, it is respectfully requested that the rejection under 35 U.S.C. § 102(a) and the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 2, 2004

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